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TELECONFERENCE MINUTES
MAY 3, 2005

Call to Order

The Board of Environmental Review's special meeting was called to order by Chairman Russell at 1:03 p.m., on Tuesday, May 3, 2005, in Room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana.

Attendance

Board Members Present: Robin Shropshire

Via Telephone: Chairman Joe Russell, Don Marble, Kim Lacey, Bill Rossbach, Susan Brooke, and Gayle Skunk Cap

Board Attorney Present: Tom Bowe, Attorney General's Office, Department of Justice

Board Secretary Present: Joyce Wittenberg

Court Reporter Present: Carol Hendrickson, Lesofski & Walstad Court Reporting

Department Personnel Present: Richard Opper, Director; Tom Livers, Deputy Director; Tom Ellerhoff, Director's Office; John North, Chief Legal Counsel; David Rusoff, Legal; Jane Amdahl, Legal; Steve Welch, Administrator, Permitting & Compliance Division (PCD); David Klemp, Air Resources Management Bureau (ARMB), PCD; Debbie Skibicki, ARMB, PCD

Interested Persons Present (*Disclaimer: Names are spelled as best they can be read from the official sign-in sheet.*): Jennifer Hendricks, Montana Environmental Information Center (MEIC); Steve Wade, Rocky Mountain Power; James Jensen, MEIC; Jeff Chaffee, Bison Engineering; Bud Clinch, Montana Coal Council;

Via Telephone: Bill Connors, Centennial Power; Darcy Neigum [sic], Rick Ralstman [sic]

- I. In the matter of Air Quality Permit No. 3185-02 granted to Rocky Mountain Power, Inc. for the Hardin Generation Project (BER 2005-02 AQ, BER 2005-03 AQ & BER 2005-04 AQ).

Mr. Livers stated that Mr. Eggers was not present. Ms. Hendricks advised that Mr. Eggers had indicated to her that he would not be present.

Chairman Russell inquired about the language of the settlement revising II.A.3 of the permit. Mr. Rusoff explained that the intent was not to exclude the use of chemical dust suppressants, that perhaps commas could have been added to set off the "which" phrase, and that the parties were satisfied with the language.

Mr. Marble initiated discussion regarding mercury controls, activated carbon and best available control technology (BACT). Also discussed was: the difference between BACT and MACT (maximum achievable control technology); ACI and the effects if better technology should become available in the future; and the demonstration period.

Ms. Shropshire initiated discussion regarding the language on Page 2 of the settlement agreement, Part (a) "...to attempt to locate a qualified testing partner;" the meaning of "equivalent" on Page 2, "...approved by DEQ, an equivalent technology;" and continuous emission monitoring systems.

Chairman Russell called for a motion to authorize the Chairman to sign the order approving the settlement agreement, and dismissing the appeal and all proceedings with prejudice. Ms. Lacey so MOVED. Ms. Brooke SECONDED the motion. The motion CARRIED with a unanimous VOTE.

Chairman Russell called for a motion to authorize the Chairman to sign the order dismissing the MACT and new source performance standards claims in accordance with the second stipulation of the Eggers/Small Petitioners. Ms. Brooke so MOVED. Mr. Skunk Cap SECONDED the motion. The motion CARRIED with a unanimous VOTE.

- II. General Public Comment

Chairman Russell opened the floor for general public comment. No one responded.

- III. Adjournment

Chairman Russell called for a motion to adjourn. Mr. Skunk Cap so MOVED. Ms. Shropshire SECONDED the motion. The motion CARRIED with a unanimous VOTE.

The meeting adjourned at 1:45 p.m.

Board of Environmental Review May 3, 2005, minutes approved:

JOSEPH W. RUSSELL, M.P.H.
CHAIRMAN
BOARD OF ENVIRONMENTAL REVIEW

DATE